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*Admitted only in Maryland
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July 25, 2003

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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Via Hand Carry to
Examiner Gerald G. Leffers, Jr.
Art Unit 1636

Re: U.S. Utility Patent Application
Appl. No. 09/438,358; Filed: November 12, 1999
For: **Compositions and Method for Recombinational Cloning
of Nucleic Acid Molecules**
Inventors: GERARD *et al.*
Our Ref: 0942.4640001/RWE/BJD/JKM

Sir:

Transmitted herewith for appropriate action are the following documents:

1. COURTESY COPY of the postcard receipt dated September 18, 2000, the postcard receipt dated March 8, 2001, the Information Disclosure Statement (IDS), and Form PTO-1449 (62 pages) as originally filed on September 18, 2000, and as filed as a courtesy copy on March 8, 2001;
2. SECOND COURTESY COPY of each missing reference cited on Form PTO-1449 (38 documents: AT1, AS4, AT4, AR5, AR9, AR19, AT21, AS22, AS24, AS26, AS29, AR32, AS32, AR35, AT36, AS38, AT40, AR46, AS46, AR47, AR49, AS49, AR50, AS52, AR53, AR54, AR57, AT58, and AS59-AS62) as originally filed on September 18, 2000, and as filed as a courtesy copy on March 8, 2001; and
3. One (1) return postcard.

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Commissioner for Patents

July 25, 2003

Page 2

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Brian J. Del Buono
Attorney for Applicants
Registration No. 42,473

RWE/BJD/JKM/acr
Enclosures

SKGF_DC1:159399.1

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AS FILED September 18, 2000

Applicant: Gerard *et al.*

Application No.: 09/438,358

Filed: November 12, 1999

For: Compositions and Methods for Recombinational Cloning of Nucleic Acid Molecules

Due Date: Feb. 12, 2000

Art Unit: 1636

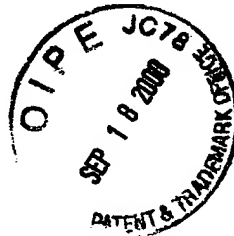
Examiner: Leffers, Jr., G.

Docket: 0942.4640001

Atty: RWE/BJD

When receipt stamp is placed hereon, the USPTO acknowledges receipt of the following documents:

1. Transmittal letter (in duplicate);
2. Information Disclosure Statement (in duplicate);
3. 62 pages of Form PTO-1449 citing 234 documents; and
4. A copy of each of the 234 cited documents.



Please Date Stamp And Return To Our Courier

AS FILED March 8, 2001

Applicant: Gerard *et al.*

Application No.: 09/438,358

Filed: November 12, 1999

For: Compositions and Methods for Recombinational Cloning of Nucleic Acid Molecules



Due Date: March 8, 2001
[Rule 56 IDS 3/19/01
0942.464PC01]

Art Unit: 1636

Examiner: Leffers, Jr., G.

Docket: 0942.4640001

Atty: RWE/BJD

When receipt stamp is placed hereon, the USPTO acknowledges receipt of the following documents:

1. SKGF Cover Letter (in duplicate);
2. PTO Fee Transmittal Form (PTO/SB/17);
3. Check No. 30592 in the amount of \$290.00 to cover the cost of a one month extension of time for a large entity (\$110.00) and the filing of an Information Disclosure Statement (\$180.00);
4. Petition For Extension of Time Under 37 C.F.R. § 1.136(a)(1) (in duplicate);
5. First Supplemental Information Disclosure Statement and Fee Under 37 C.F.R. § 1.97(c) (in duplicate);
6. 4 pages of Form PTO-1449 citing 21 documents;
7. A copy of each of the 21 cited documents;
8. Courtesy copies of missing documents AT1, AS4, AT4, AR5, AR9, AR19, AT21, AS22, AS24, AS26, AS29, AR32, AS32, AR35, AT36, AS38, AT40, AR46, AS46, AR47, AR49, AS49, AR50, AS52, AR53, AR54, AR57, AT58 and AS59-AS62, cited on Form PTO-1449 with the Information Disclosure Statement filed September 18, 2000;
9. Amendment & Reply Under 37 C.F.R. § 1.111; and
10. Return postcard.

Please Date Stamp And Return To Our Courier

September 18, 2000
AS FILED and March 8, 2001
AS Courtesy Copy

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
JUL 30 2003
TECH CENTER 1600/2900

In re application of:

GERARD *et al.*

Appl. No. 09/438,358

Filed: November 12, 1999

For: **Compositions And Methods For
Recombinational Cloning of
Nucleic Acid Molecules**

Art Unit: 1636

Examiner: Leffers, Jr., G.

Atty. Docket: 0942.4640001/RWE/BJD

Information Disclosure Statement

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. A copy of each of these documents is provided.

The Examiner is also referred to the following commonly owned, co-pending patent applications, which are directed to related technical subject matter:

U.S. Application No. 09/005,476, filed January 12, 1998;
U.S. Application No. 09/177,387, filed October 23, 1998;
U.S. Application No. 09/233,492, filed January 20, 1999;
U.S. Application No. 09/233,493, filed January 20, 1999;
U.S. Application No. 09/296,280, filed April 22, 1999;
U.S. Application No. 09/296,281, filed April 22, 1999;
U.S. Application No. 09/432,085, filed November 2, 1999;
U.S. Application No. 09/498,074, filed February 4, 2000;
U.S. Application No. 09/517,466, filed March 2, 2000; and
U.S. Application No. 09/518,188, filed March 2, 2000.

The identification of these U.S. Applications is not to be construed as a waiver of secrecy as to those applications now or upon issuance of the present applications as patents. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

This Information Disclosure Statement is being filed more than three months after the U.S. filing date but before a first Office Action on the merits. No statement or fee is required.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this pleading is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Brian J. Del Buono
Agent for Applicants
Registration No. 42,473

Date: September 18, 2000

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(202) 371-2600

FORM PTO-1449
 INFORMATION DISCLOSURE STATEMENT

ATTY. DOCKET NO.
 0942.4640001

APPLICATION NO.
 09/438,358

APPLICANT
 Gerard *et al.*

FILING DATE
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GROUP
 1636

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA1	4,673,640	06/16/1987	Backman, K.C.	435	68	04/30/1984
	AB1	4,743,546	05/10/1998	Backman <i>et al.</i>	435	108	02/13/1985
	AC1	4,959,317	09/25/1990	Sauer B.L.	435	172.3	04/29/1987
	AD1	5,227,288	07/13/1993	Blattner, F.R.	435	6	10/01/1990
	AE1	5,354,668	10/11/1994	Auerbach, J.I.	435	91.1	10/15/1993
	AF1	5,434,066	07/18/1995	Bebee, R.L., <i>et al.</i>	435	172.3	03/15/1994
	AG1	5,470,727	11/28/1995	Mascarenhas <i>et al.</i>	435	172.3	12/21/1993
	AH1	5,591,609	01/07/1997	Auerbach, J.I.	435	91.2	02/03/1995
	AI1	5,614,389	03/25/1997	Auerbach, J.I.	435	91.2	09/26/1995
	AJ1	5,635,381	06/03/1997	Hooykaas <i>et al.</i>	435	172.3	01/20/1995
	AK1	5,658,772	08/19/1997	Odell <i>et al.</i>	435	172.3	07/27/1994

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL1	EP 0 160 571 A2	11/06/1985	Europe			Yes No
	AM1	EP 0 300 422	01/25/1989	Europe			Yes No
	AN1	WO 91/02801	03/07/1991	WIPO			Yes No
	AO1	WO 91/16427	10/31/1991	WIPO			Yes No
	AP1	WO 92/20791	11/26/1992	WIPO			Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	1	Abremski, K., and Gottesman, S., "Purification of the Bacteriophage λ <i>xis</i> Gene Product Required for λ Excisive Recombination," <i>J. Biol. Chem.</i> 257(16):9658-9662 (1982).
AS	1	Abremski, K., and Hoess, R., "Bacteriophage P1 Site-specific Recombination - Purification and Properties of the Cre Recombinase Protein," <i>J. Biol. Chem.</i> 259:1509-1514 (1984).
AT	1	Abremski, K., <i>et al.</i> , "Bacteriophage P1 Cre- <i>loxP</i> Site-specific Recombination: Site-specific DNA Topoisomerase Activity of the Cre Recombination Protein," <i>J. Biol. Chem.</i> 261(1):391-396 (1986). <input checked="" type="checkbox"/>

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

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APPLICATION NO.
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APPLICANT
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FILING DATE
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U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA2	5,677,170	10/14/1997	Devine <i>et al.</i>	435	20.1	03/02/1994
	AB2	5,677,177	10/14/1997	Wahl <i>et al.</i>	435	325	06/07/1995
	AC2	5,710,248	01/20/1998	Grose, C.F.	530	327	07/29/1996
	AD2	5,723,765	03/03/1998	Oliver <i>et al.</i>	800	208	06/07/1995
	AE2	5,733,733	03/31/1998	Auerbach, J.I.	435	6	02/01/1996
	AF2	5,733,743	03/31/1998	Johnson <i>et al.</i>	435	320.1	06/10/1996
	AG2	5,744,336	04/28/1998	Hodges <i>et al.</i>	435	172.3	03/08/1996
	AH2	5,766,891	06/16/1998	Shuman, S.	435	91.41	12/19/1994
	AI2	5,776,449	07/07/1998	Baum <i>et al.</i>	424	93.2	09/20/1996
	AJ2	5,830,707	11/03/1998	Bushman, F.D.	435	69.7	06/05/1995
	AK2	5,837,242	11/17/1998	Holliger <i>et al.</i>	424	136.1	05/14/1996

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL2	WO 93/15191	08/05/1993	WIPO			Yes No
	AM2	WO 93/19172	09/30/1993	WIPO			Yes No
	AN2	CA 2,141,412	02/17/1994	Canada			Yes No
	AO2	WO 94/17176	08/04/1994	WIPO			Yes No
	AP2	WO 97/06265	02/20/1997	WIPO			Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	2	Abremski, K., <i>et al.</i> , "Studies on the Properties of P1 Site-Specific Recombination: Evidence for Topologically Unlinked Products Following Recombination," <i>Cell</i> 32:1301-1311 (1993).
AS	2	Adams, D. E., <i>et al.</i> , "Cre-lox Recombination in <i>Escherichia coli</i> Cells: Mechanistic Differences from the <i>in Vitro</i> Reaction," <i>J. Mol. Biol.</i> 226:661-673 (1992).
AT	2	Andrews, B.J., <i>et al.</i> , "The FLP Recombinase of the 2 μ Circle DNA of Yeast: Interaction with Its Target Sequences," <i>Cell</i> 40:795-803 (1985).

EXAMINER

DATE CONSIDERED

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FORM PTO-1449

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ATTY. DOCKET NO.
0942.4640001APPLICATION NO.
09/438,358APPLICANT
Gerard *et al.*FILING DATE
November 12, 1999GROUP
1636

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA3	5,843,772	12/01/1998	Devine, S.E., <i>et al.</i>	435	69.1	11/18/1994
	AB3	5,851,808	12/22/1998	Elledge <i>et al.</i>	435	172.3	02/28/1997
	AC3	5,858,657	01/12/1999	Winter <i>et al.</i>	435	6	06/07/1995
	AD3	5,871,907	02/16/1999	Winter <i>et al.</i>	435	6	03/31/1994
	AE3	5,874,259	02/23/1999	Szybalski, W.	435	91.1	11/21/1997
	AF3	5,888,732	03/30/1999	Hartley <i>et al.</i>	435	6	06/07/1996
	AG3	5,916,804	06/29/1999	Bushman, F.D.	435	325	04/17/1998
	AH3	5,919,676	07/06/1999	Graham <i>et al.</i>	435	172.3	06/07/1995
	AI3	5,928,914	07/27/1999	Leboulch <i>et al.</i>	435	172.3	11/05/1996
	AJ3	5,989,872	11/22/1999	Luo <i>et al.</i>	435	91.2	08/12/1997
	AK3	6,010,884	01/04/2000	Griffiths <i>et al.</i>	435	69.7	05/29/1996

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL3	WO 97/09436	03/13/1997	WIPO			Yes No
	AM3	WO 97/25446	07/17/1997	WIPO			Yes No
	AN3	WO 97/32481	09/12/1997	WIPO			Yes No
	AO3	WO 98/10086	03/12/1998	WIPO			Yes No
	AP3	WO 99/10488	03/04/1999	WIPO			Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	3	Andrews, B.J., <i>et al.</i> , "Interaction of the FLP Recombinase of the <i>Saccharomyces cerevisiae</i> 2 μ Plasmid with Mutated Target Sequences," <i>Mol. Cell. Biol.</i> 6:2482-2489 (1986).
AS	3	Anton, M., and Graham, F.L., "Site-Specific Recombination Mediated by an Adenovirus Vector Expressing the Cre Recombinase Protein: a Molecular Switch for Control of Gene Expression," <i>J. Virol.</i> 69:4600-4606 (1995).
AT	3	Araki, H., <i>et al.</i> , "Site-specific Recombinase, R, Encoded by Yeast Plasmid pSR1," <i>J. Mol. Biol.</i> 225:25-37 (1992).

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U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA4	6,063,627	06/16/2000	McVey <i>et al.</i>	435	440	02/25/1998
	AB						
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FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	4	Argos, P., <i>et al.</i> , "The integrase family of site-specific recombinases: regional similarities and global diversity," <i>EMBO J.</i> 5(2):433-440 (1986).
	AS	4	Atlung, T., <i>et al.</i> , "A versatile method for integration of genes and gene fusions into the λ attachment site of <i>Escherichia coli</i> ," <i>Gene</i> 107:11-17 (1991).
	AT	4	Ausubel, F.M., <i>et al.</i> , "Maps of Plasmids pBR322 and pUC19," in <i>Current Protocols in Molecular Biology</i> , John Wiley & Sons, Inc., Boston, MA, (1995).

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	AA						
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	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	5	Ausubel, F.M., <i>et al.</i> , "Mutagenesis by the Polymerase Chain reaction," in: <i>Current Protocols in Molecular Biology</i> , Boston: John Wiley & Sons, Inc., pp. 8.5.1-8.5.9 (1995). /
	AS	5	Babineau, D. <i>et al.</i> , "The FLP Protein of the 2-micro Plasmid of Yeast," <i>J. Biol. Chem.</i> 260:12313-12391 (1985).
	AT	5	Balakrishnan, R., <i>et al.</i> , "A gene cassette for adapting <i>Escherichia coli</i> strains as hosts for <i>att</i> -Int-mediated rearrangement and p_L expression vectors," <i>Gene</i> 138:101-104 (January 1994).

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							Yes No
	AL						Yes No
	AM						Yes No
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	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	AR	<u>6</u>	Bayley, C.C., <i>et al.</i> , "Exchange of gene activity in transgenic plants catalyzed by the Cre-lox site specific recombination system," <i>Plant Mol. Biol.</i> 18:353-361 (1992).
	AS	<u>6</u>	Bethke, B., and Saur, B., "Segmental genomic replacement by Cre-mediated recombination: genotoxic stress activation of the p53 promoter in single-copy transformants," <i>Nucl. Acids Res.</i> 25:2828-2834 (July 1997).
	AT	<u>6</u>	Bernard, P., and Couturier, M., "Cell Killing by the F plasmid CcdB Protein Involves Poisoning of DNA-topoisomerase II Complexes," <i>J. Mol. Biol.</i> 226:735-745 (1992).
EXAMINER			DATE CONSIDERED

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							Yes No
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	Z	Bernard, P., "Positive Selection of Recombinant DNA by CcdB," <i>BioTechniques</i> 21:320-323 (1996).
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	AR	<u>57</u>	Yanisch-Perron, C., <i>et al.</i> , "Improved M13 phage cloning vectors and host strains: nucleotide sequences of the M13mp18 and pUC19 vectors," <i>Gene</i> 33:103-119 (1985).
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